

Commission Implementing Directive 2012/44/EU of 26 November 2012 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species (Text with EEA relevance)

COMMISSION IMPLEMENTING DIRECTIVE 2012/44/EU

of 26 November 2012

amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species⁽¹⁾, and in particular Article 7(2)(a) and (b) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directives 2003/90/EC⁽³⁾ and 2003/91/EC⁽⁴⁾ were adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination of the various species and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties those Directives provide that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.
- (2) The CPVO and UPOV have since established further guidelines for one other species and have updated existing ones.
- (3) Directives 2003/90/EC and 2003/91/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

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IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in Part A of the Annex to this Directive.

Article 2

The Annexes to Directive 2003/91/EC are replaced by the text in Part B of the Annex to this Directive.

Article 3

For examinations started before 1 January 2014 Member States may apply Directives 2003/90/EC and 2003/91/EC in the version applying before their amendment by this Directive.

Article 4

Member States shall adopt and publish, by 31 December 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 January 2014.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 26 November 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

PART A

ANNEX List of species referred to in Article 1(2)(a) which are to comply with CPVO
I test protocols The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu). Scientific name Common name CPVO protocol
Festuca filiformis Pourr. Fine-leaved sheep's fescue TP 67/1 of 23.6.2011
Festuca ovina L. Sheep's fescue TP 67/1 of 23.6.2011
Festuca rubra L. Red fescue TP 67/1 of 23.6.2011
Festuca trachyphylla (Hack.) Krajina Hard fescue TP 67/1 of 23.6.2011
Lolium multiflorum Lam. Italian ryegrass TP 4/1 of 23.6.2011
Lolium perenne L. Perennial ryegrass TP 4/1 of 23.6.2011
Lolium x boucheanum Kunth Hybrid ryegrass TP 4/1 of 23.6.2011
Pisum sativum L. Field pea TP 7/2 of 11.3.2010
Brassica napus L. Swede rape TP 36/2 of 16.11.2011
Helianthus annuus L. Sunflower TP 81/1 of 31.10.2002
Linum usitatissimum L. Flax/Linseed TP 57/1 of 21.3.2007
Avena nuda L. Small naked oat, Hulless oat TP 20/1 of 6.11.2003
Avena sativa L. (includes A. byzantina K. Koch) Oats and Red oat TP 20/1 of 6.11.2003
Hordeum vulgare L. Barley TP 19/3 of 21.3.2012
Oryza sativa L. Rice TP 16/2 of 21.3.2012
Secale cereale L. Rye TP 58/1 of 31.10.2002
xTriticosecale Wittm. ex A. Camus Hybrids resulting from the crossing of a species of the genus Triticum and a species of the genus Secale TP 121/2 rev. 1 of 16.2.2011
Triticum aestivum L. Wheat TP 3/4 rev. 2 of 16.2.2011
Triticum durum Desf. Durum wheat TP 120/2 of 6.11.2003
Zea mays L. Maize TP 2/3 of 11.3.2010
Solanum tuberosum L. Potato TP 23/2 of 1.12.2005

ANNEX List of species referred to in Article 1(2)(b) which are to comply with
II UPOV test guidelines The text of these guidelines can be found on the UPOV web site (www.upov.int). Scientific name Common name UPOV guideline
Beta vulgaris L. Fodder beet TG/150/3 of 4.11.1994
Agrostis canina L. Velvet bent TG/30/6 of 12.10.1990
Agrostis gigantea Roth. Red top TG/30/6 of 12.10.1990
Agrostis stolonifera L. Creeping bent TG/30/6 of 12.10.1990
Agrostis capillaris L. Brown top TG/30/6 of 12.10.1990
Bromus catharticus Vahl Rescue grass TG/180/3 of 4.4.2001
Bromus sitchensis Trin. Alaska brome grass TG/180/3 of 4.4.2001
Dactylis glomerata L. Cocksfoot TG/31/8 of 17.4.2002
Festuca arundinacea Schreber Tall fescue TG/39/8 of 17.4.2002
Festuca pratensis Huds. Meadow fescue TG/39/8 of 17.4.2002
x Festulolium Asch. et Graebn. Hybrids resulting from the crossing of a species of the genus Festuca with a species of the genus Lolium TG/243/1 of 9.4.2008
Phleum nodosum L. Small timothy TG/34/6 of 7.11.1984
Phleum pratense L. Timothy TG/34/6 of 7.11.1984
Poa pratensis L. Smooth-stalked meadow grass TG/33/6 of 12.10.1990
Lupinus albus L. White lupin TG/66/4 of 31.3.2004
Lupinus angustifolius L. Narrow-leaved lupin TG/66/4 of 31.3.2004
Lupinus luteus L. Yellow lupin TG/66/4 of 31.3.2004
Medicago sativa L. Lucerne TG/6/5 of 6.4.2005
Medicago x varia T. Martyn Sand lucerne TG/6/5 of 6.4.2005
Trifolium pratense L. Red clover TG/5/7 of 4.4.2001
Trifolium repens L. White clover TG/38/7 of 9.4.2003
Vicia faba L. Field bean TG/8/6 of 17.4.2002
Vicia sativa L. Common vetch TG/32/6 of 21.10.1988
Brassica napus L. var. napobrassica (L.) Rchb. Swede TG/89/6 rev. of 4.4.2001 + 1.4.2009
Raphanus sativus L. var. oleiformis Pers. Fodder radish TG/178/3 of 4.4.2001
Arachis hypogea L. Groundnut/ Peanut TG/93/3 of 13.11.1985
Brassica rapa L. var. silvestris (Lam.) Briggs Turnip rape TG/185/3 of 17.4.2002
Cannabis sativa L. Hemp TG/276/1 of 28.3.2012
Carthamus tinctorius L. Safflower TG/134/3 of 12.10.1990
Gossypium spp. Cotton TG/88/6 of 4.4.2001
Papaver somniferum L. Poppy TG/166/3 of 24.3.1999
Sinapis alba L. White

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mustardTG/179/3 of 4.4.2001Glycine max (L.) MerrillSoya beanTG/80/6 of 1.4.1998Sorghum bicolor (L.) MoenchSorghumTG/122/3 of 6.10.1989

PART B

ANNEX List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

I The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu). Scientific name Common name CPVO protocol

Allium cepa L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
Allium fistulosum L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
Allium sativum L.	Garlic	TP 162/1 of 25.3.2004
Allium schoenoprasum L.	Chives	TP 198/1 of 1.4.2009
Apium graveolens L.	Celery	TP 82/1 of 13.3.2008
Asparagus officinalis L.	Asparagus	TP 130/2 of 16.2.2011
Beta vulgaris L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
Brassica oleracea L. (Curly kale)	Curly kale	TP 90/1 of 16.2.2011
Brassica oleracea L. (Sprouting broccoli or Calabrese)	Sprouting broccoli or Calabrese	TP 151/2 of 21.3.2007
Brassica oleracea L. (Brussels sprouts)	Brussels sprouts	TP 54/2 of 1.12.2005
Brassica oleracea L. (Kohlrabi)	Kohlrabi	TP 65/1 of 25.3.2004
Brassica oleracea L. (Savoy cabbage, White cabbage and Red cabbage)	Savoy cabbage, White cabbage and Red cabbage	TP 48/3 of 16.2.2011
Brassica rapa L. (Chinese cabbage)	Chinese cabbage	TP 105/1 of 13.3.2008
Capsicum annuum L.	Chilli or Pepper	TP 76/2 of 21.3.2007
Cichorium endivia L. (Curled-leaved endive and Plain-leaved endive)	Curled-leaved endive and Plain-leaved endive	TP 118/2 of 1.12.2005
Cichorium intybus L. (Industrial chicory)	Industrial chicory	TP 172/2 of 1.12.2005
Cichorium intybus L. (Witloof chicory)	Witloof chicory	TP 173/1 of 25.3.2004
Citrullus lanatus (Thumb.) Matsum. et Nakai	Watermelon	TP 142/1 of 21.3.2007
Cucumis melo L.	Melon	TP 104/2 of 21.3.2007
Cucumis sativus L.	Cucumber and Gherkin	TP 61/2 of 13.3.2008
Cucurbita pepo L.	Marrow or Courgette	TP 119/1 of 25.3.2004
Cynara cardunculus L.	Globe artichoke and Cardoon	TP 184/1 of 25.3.2004
Daucus carota L.	Carrot and Fodder carrot	TP 49/3 of 13.3.2008
Foeniculum vulgare Mill.	Fennel	TP 183/1 of 25.3.2004
Lactuca sativa L.	Lettuce	TP 13/5 of 16.2.2011
Lycopersicon esculentum Mill.	Tomato	TP 44/4 of 21.3.2012
Petroselinum crispum (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007
Phaseolus coccineus L.	Runner bean	TP 9/1 of 21.3.2007
Phaseolus vulgaris L. (Dwarf French bean and Climbing French bean)	Dwarf French bean and Climbing French bean	TP 12/3 of 1.4.2009
Pisum sativum L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/2 of 11.3.2010
Raphanus sativus L.	Radish	TP 64/1 of 27.3.2002
Solanum melongena L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
Spinacia oleracea L.	Spinach	TP 55/4 of 21.3.2012
Valerianella locusta (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
Vicia faba L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
Zea mays L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010

ANNEX List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

II The text of these guidelines can be found on the UPOV web site (www.upov.int). Scientific name Common name UPOV guideline

Beta vulgaris L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
Brassica rapa L.	Turnip	TG/37/10 of 4.4.2001
Cichorium intybus L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
Cucurbita maxima Duchesne	Gourd	TG/155/4 rev. of 28.3.2007 + 1.4.2009
Raphanus sativus L.	Black radish	TG/63/7 of 28.3.2012
Rheum rhabarbarum L.	Rhubarb	TG/62/6 of 24.3.1999
Scorzonera hispanica L.	Scorzonera or Black salsify	TG/116/4 of 24.3.2010

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- (1) OJ L 193, 20.7.2002, p. 1.
- (2) OJ L 193, 20.7.2002, p. 33.
- (3) OJ L 254, 8.10.2003, p. 7.
- (4) OJ L 254, 8.10.2003, p. 11.